



To the Honorable Council
City of Norfolk, Virginia

October 23, 2012

From: Frank M. Duke, AICP, Planning Director



Subject: For the following applications on property located at 1300-1304 East Princess Anne Road – Bay Seafood by Vuong T. Nguyen:

- a. For a General Plan Amendment from Medium Density Residential to Commercial/Office.
- b. For a Change of Zoning from R-11 (Moderate Density Multiple-Family) district to Conditional C-2 (Corridor Commercial) district.

Reviewed: Anne F. Odell, AICP, Assistant City Manager

Ward/Superward: 3/7

Approved:



Marcus D. Jones, City Manager

Item Number: **C-6**

I. Recommendation:

General Plan Amendment

- Approval, upon examination of this site at a greater level of detail.

Conditional Change of Zoning

- Approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans, if the *General Plan* amendment is approved.

II. Applicant: Bay Seafood by Vuong T. Nguyen
1300-1304 East Princess Anne Road

III. Description

- The application is to allow for the operation of a Retail Sales Establishment at 1300-1304 East Princess Anne Road.
- The site is zoned R-11 (Moderate Density Multiple-Family) which does not permit retail sales.
- The site operated as a Retail Sales Establishment for over 25 years.
 - The site was a legal nonconforming use, however, the use ceased for over two years and the nonconforming status has ceased.
- The applicant is requesting a rezoning to allow the use to be re-established.

IV. Analysis

- The site is located along East Princess Anne Road, south of the Bruces Park neighborhood.
- The site is 0.11 acres and currently developed with a commercial building and parking.
- The immediate area contains a mix of single-family and multi-family residential with some commercial uses present.

General Plan Amendment

- The *General Plan* designates this site as Medium Density Residential, making the proposed use inconsistent with the *General Plan*.
- Considering the limited potential of this site for residential uses, designating this site as Commercial/Office is appropriate, based on examination of the area with a greater level of detail.
- The *Broad Creek Revitalization and Implementation Plan* identifies the Douglas Park neighborhood to the north of this site as a redevelopment area and identifies the segment of East Princess Anne Road fronting this site as an improvement corridor.
- The proposed General Plan, *plaNorfolk2030*, designates this site as Single Family Traditional.
 - If the plan amendment is approved, staff will adjust the designation in *plaNorfolk2030* for this property and the commercially-zoned properties to the west from Single Family Traditional to Commercial.

Change of Zoning

- If the plan amendment is approved, the request would be consistent with the *General Plan*
- Given traffic volumes on East Princess Anne Road the use of this site for single-family residential would be unattractive.
- The presence of commercial uses to the west of the site suggests a logical extension of the C-2 (Corridor Commercial) zoning would provide a neighborhood commercial node.
- The site is currently zoned R-11 (Moderate Density Multiple-Family) district which does not permit commercial uses.
 - The proposed rezoning to C-2 district would allow the operation of a Retail Sales Establishment.
- This new use is expected to generate approximately 327 new vehicle trips per day.
 - The site is located near frequent bus service.
- If rezoned, the proposed use of the site meets all *Ordinance* requirements.

V. Financial Impact

- The applicant is current on all real estate taxes.
- A new Retail Sales Establishment will generate new City tax revenue.

VI. Environmental

- The applicant has proffered conditions to improve the site, including improved landscaping.
 - These improvements should have a positive impact on this corridor through the Bruces Park neighborhood.

VII. Community Outreach/Notification

- Legal notice was posted on the property on July 17.
- Legal notice was posted on the property on August 21.
- Letter was mailed to the Bruces Park Civic League President on September 7.
- Notice was sent to the civic leagues by the Department of Communications on September 11.
- The Planning Commission Public Hearing was held on September 27, 2012.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

By a vote of **7 to 0**, the Planning Commission recommended that the request for a Special Exception be **approved**.

IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinances
- Location Map
- Zoning Map
- Site Improvement Plan
- Application
- Letter to the Civic League

Proponents and Opponents

Proponents

Vuong Nguyen – Applicant
2604 North Nansemond Drive
Suffolk, VA 23435

Opponents


None

9/26/12 ts

Form CCO-003

Form and Correctness Approval:

Contents Approved:

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND THE GENERAL PLAN OF NORFOLK, 1992, SO AS TO CHANGE THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT 1300 TO 1304 EAST PRINCESS ANNE ROAD FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL/OFFICE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the land use designation set forth in the General Plan of Norfolk, 1992, for the property located at 1300 to 1304 East Princess Anne Road is hereby changed from Medium Density Residential to Commercial/Office. The property which is the subject of this change in land use designation is more fully described as follows:

Property fronts 48 feet, more or less, along the northern line of East Princess Anne Road, and 100 feet, more or less, along the eastern line of Maltby Avenue; premises described as 1300 to 1304 East Princess Anne Road.

Section 2:- That this ordinance shall be in effect from the date of its adoption.

9/26/12 ts

Form and Correctness Approval:

By

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By

DEPT.

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 1300
TO 1304 EAST PRINCESS ANNE ROAD FROM R-11
(MULTIPLE-FAMILY RESIDENTIAL) DISTRICT TO
CONDITIONAL C-2 (CORRIDOR COMMERCIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 1300 to 1304 East Princess Anne Road is hereby rezoned from R-11 (Multiple-Family Residential) District to Conditional C-2 (Corridor Commercial) District. The property is more fully described as follows:

Property fronts 48 feet, more or less, along the northern line of East Princess Anne Road, and 100 feet, more or less, along the eastern line of Maltby Avenue; premises described as 1300 to 1304 East Princess Anne Road.

Section 2:- That the property rezoned by this ordinance shall be subject to the following conditions:

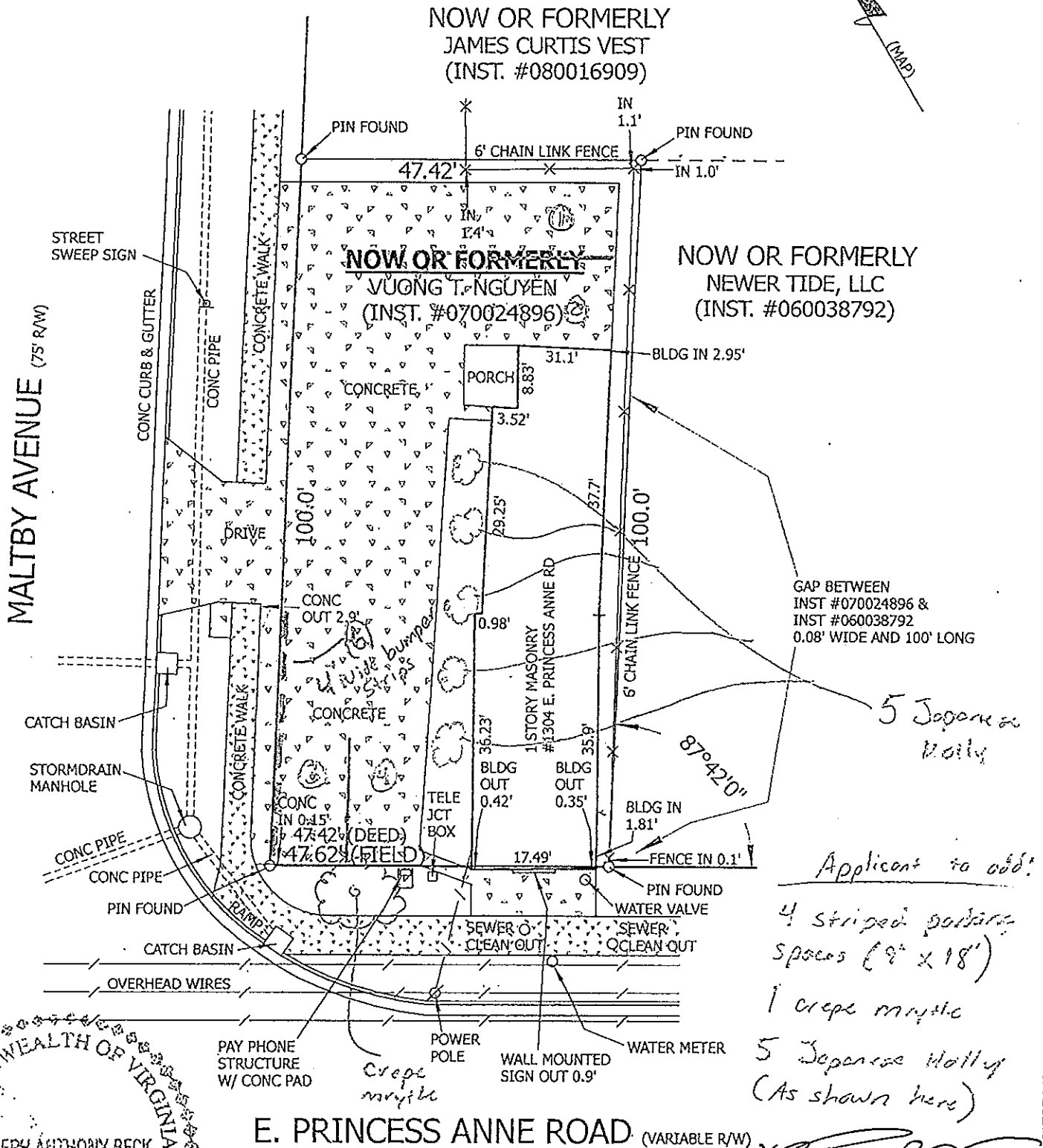
- (a) The parking layout and landscaping shall be installed in accordance with the attached site plan prepared by Beck Associates, P.C., dated August 20, 2012 and amended on September 24, 2012.
- (b) No business license shall be issued until condition (a), above, has been complied with in its entirety.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

Exhibit A



E. PRINCESS ANNE ROAD. (VARIABLE R/W)

- UNRECORDED PLAT ENTITLED "BLOCK 4, BARRAUD TRACT" AND FILED IN CITY OF NORFOLK SURVEYS DEPARTMENT AS DRAWING NUMBER "S.E. 308 (H)."
- CITY FIELD NOTES:
 - F.B. 136, P. 41 & 120
 - F.B. 150, P. 87

PHYSICAL SURVEY
OF *111*

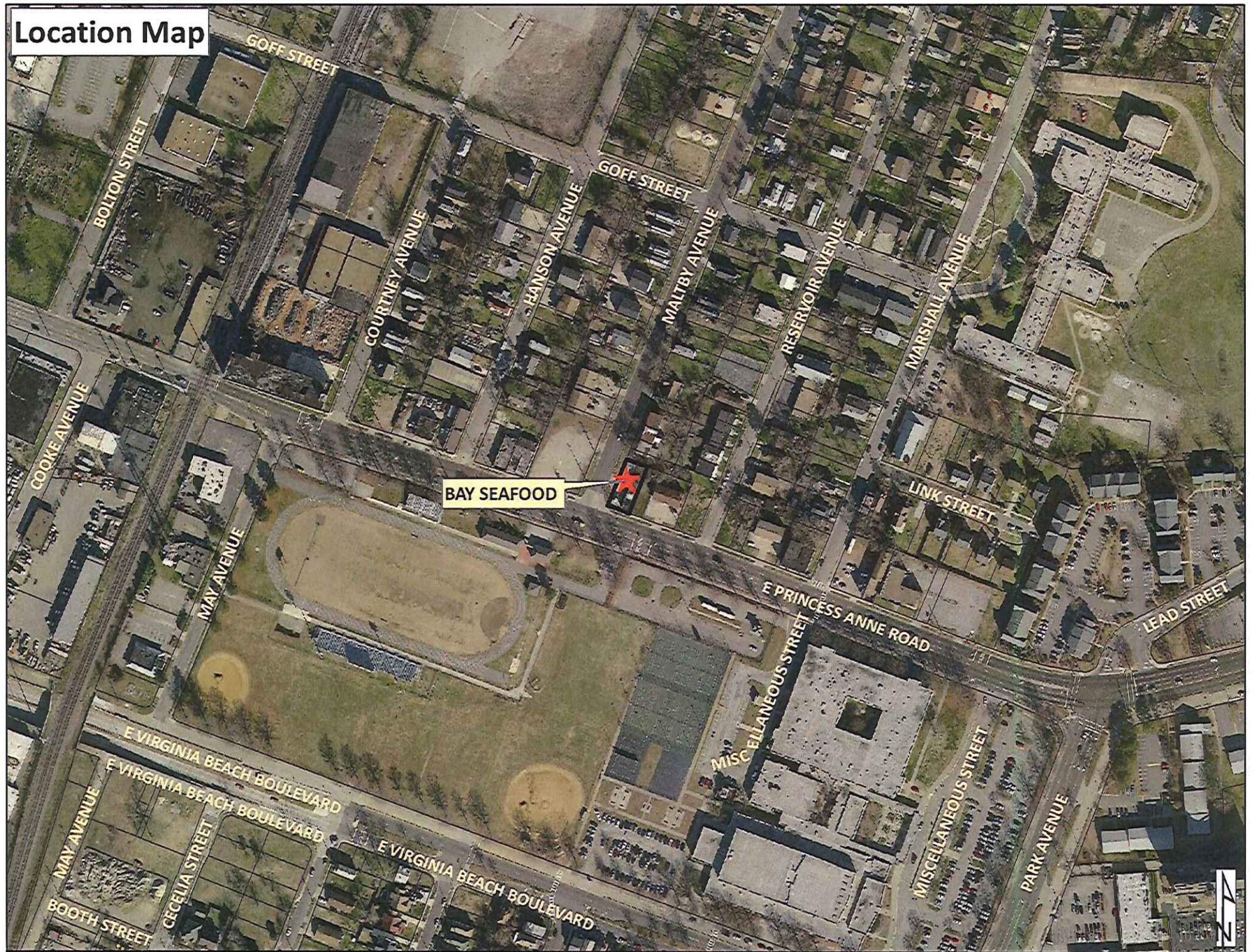
PARCELS AS SHOWN IN INSTRUMENT
#070024896 AND ADDRESSED 1300 &
1304 E. PRINCESS ANNE ROAD
NORFOLK, VIRGINIA

REVISED: 8/29/12 (SHOW IMPROVEMENTS IN
RIGHT OF WAY)

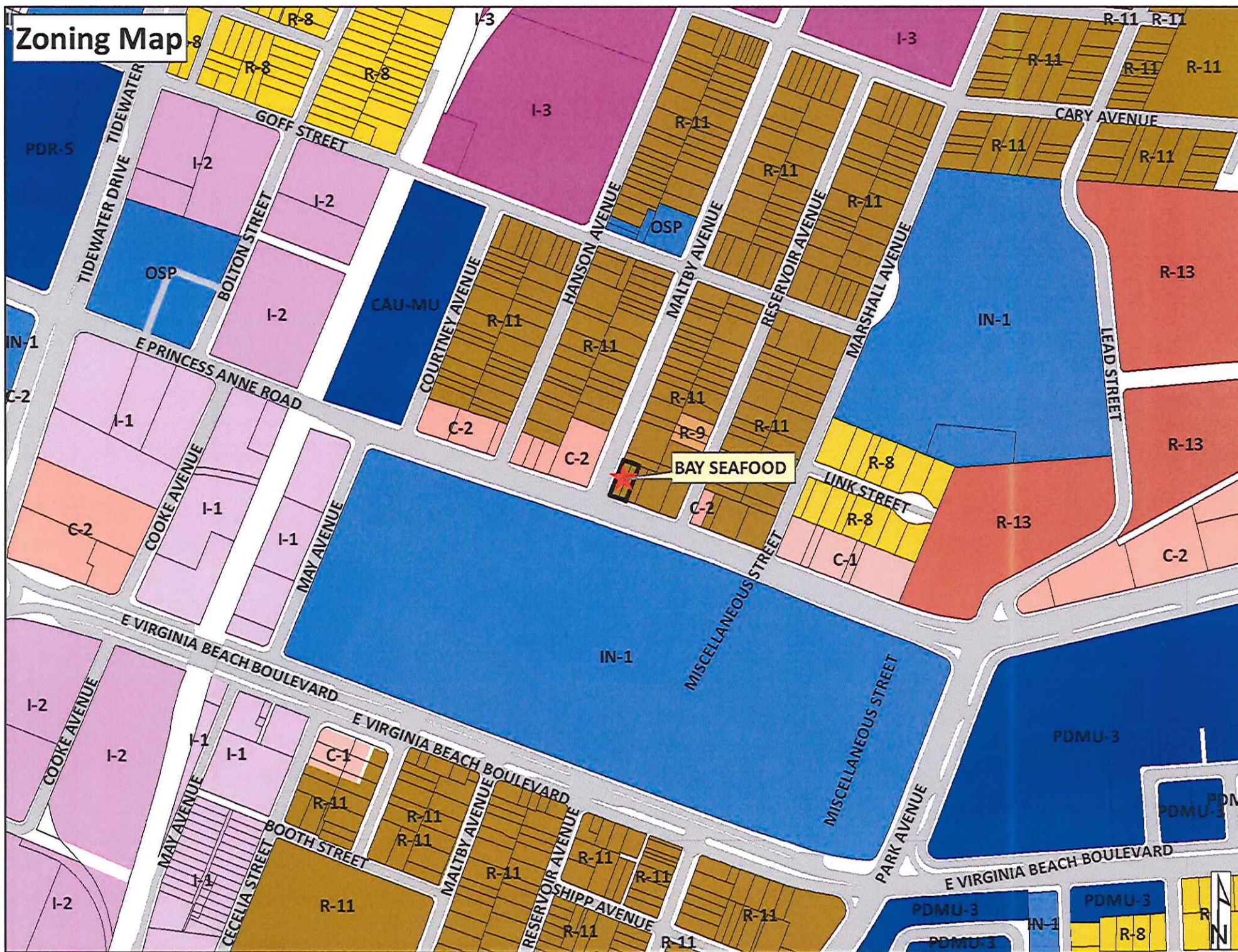
COMMONWEALTH OF VIRGINIA
 PROFESSIONAL ENGINEER
 JOSEPH ANTHONY BECK
 NO. 26697

COMMONWEALTH OF VIRGINIA
 PROFESSIONAL ENGINEER
 JOSEPH ANTHONY BECK
 NO. 2030

Location Map

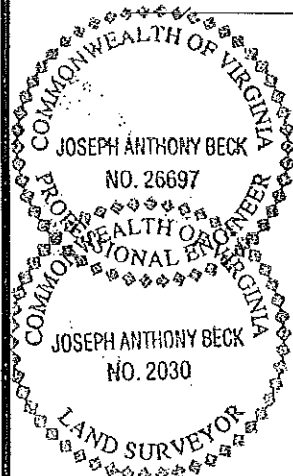
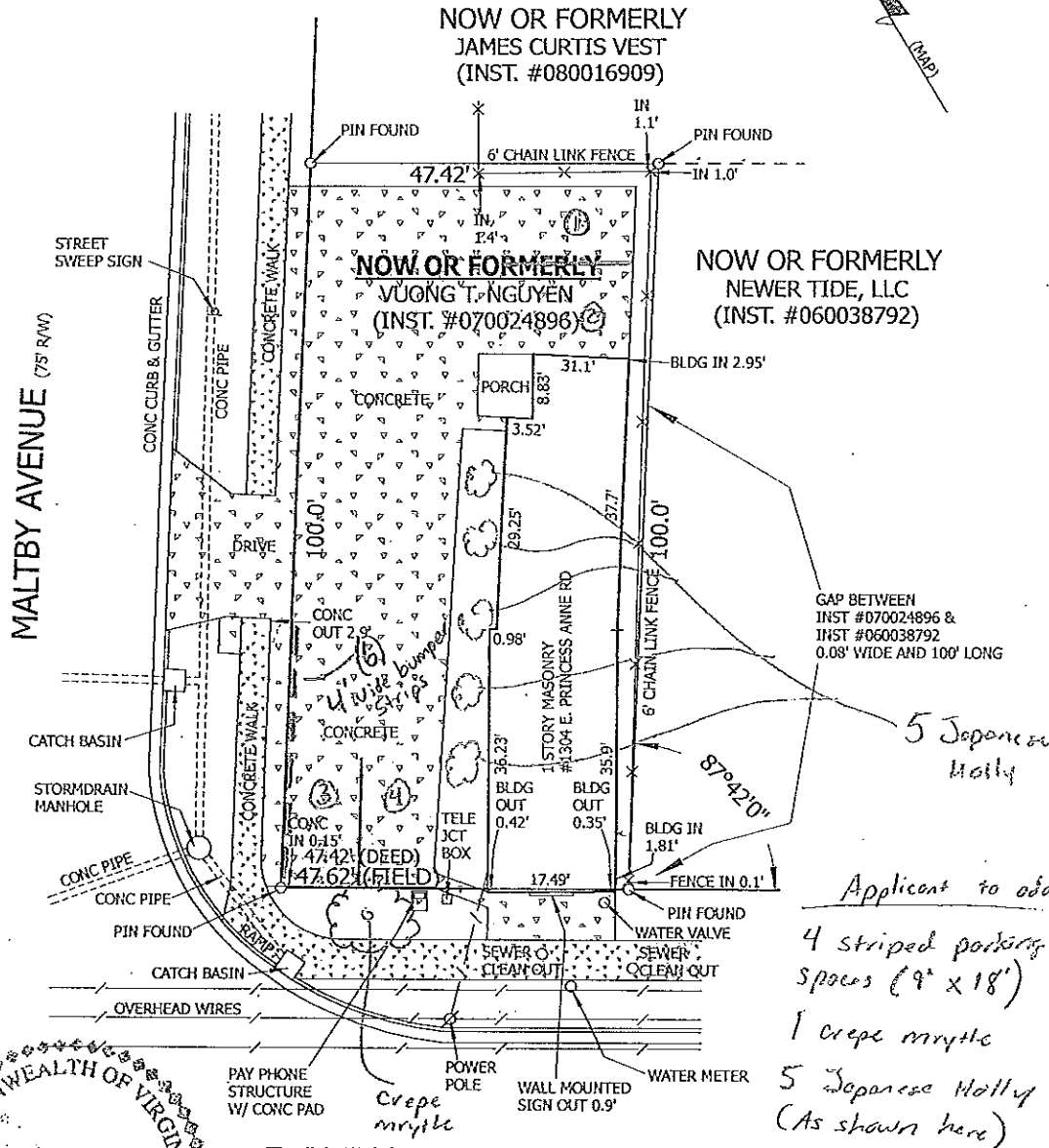


Zoning Map



THIS IS TO CERTIFY THAT ON AUGUST 20, 2012, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO VISIBLE ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

BY GRAPHIC PLOTTING AND SCALING FROM FEMA MAPS ONLY AND NOT REFLECTING ANY LETTERS OF MAP CHANGE THAT MAY HAVE BEEN ISSUED BY FEMA, THIS SITE WAS DETERMINED TO BE IN ZONE X (UNSHADED) AS SHOWN ON FEMA MAP, COMMUNITY-PANEL NUMBER 510104 0135 F, EFFECTIVE: 9/02/09.



DEED & TITLE REPORT NOT FURNISHED BY CLIENT





City of Norfolk

APPLICATION CHANGE OF ZONING

Date of application: 8/11/12

(APC 7-16.12)

Change of Zoning

From: R-11 Zoning To: C-2 Zoning

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1300 - 1304 (Street Name) E. Princess Anne Rd

Existing Use of Property: vacant

Current Building Square Footage 1,250

Proposed Use Retail Service / Seafood take out & fresh sales.

Proposed Building Square Footage same

Trade Name of Business (If applicable) Bay Seafood.

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) NGUYEN (MI) T (First) UUONG

Mailing address of applicant (Street/P.O. Box): 2604 N. Nausemond Dr.

(City) Suffolk (State) VA (Zip Code) 23435

Daytime telephone number of applicant (757) 639-9293 Fax () n/a

E-mail address of applicant: vuongnlinh@yahoo.com

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

**Rezoning
Page 2**

2. Name of property owner:(Last) Nguyen (MI) T (First) Vuong

Mailing address of property owner (Street/P.O. box): 2604 N. Nansemond Dr

(City) Suffolk (State) VA (Zip Code) 23435

Daytime telephone number of owner (757) 639-9293 Fax number () n/a

CIVIC LEAGUE INFORMATION

Civic League contact: Bruce's Park - Eleanor King Clark, Pres.
1364 Hanson Avenue 625-6948

Date(s) contacted: _____

Ward/Super Ward information: ~~610~~ (3/7)

REQUIRED ATTACHMENTS

- ▶ Check for \$415.00 made payable to: Norfolk City Treasurer
- ▶ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ▶ Description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

[Signature] 8 / 01 / 12
(Property owner or authorized agent signature) (Date)

[Signature] 8 / 01 / 12
(Applicant signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

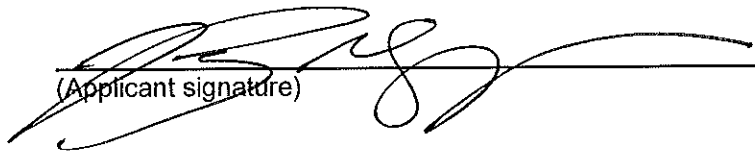
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Bay Seafood – 1300-1304 East Princess Anne Road
PROFERRED CONDITIONS

1. The parking layout and landscape plan shall be installed in accordance with the approved plan by Beck Associates, P.C., dated 8/20/12, as reviewed and amended by the Departments of Planning and Recreation Parks and Open Space, submitted 9/24/2012.
2. No business license shall be issued until the condition "1" above has been complied with.

SIGNED:

 _____ 1 9/24/12
(Applicant signature) (Date)



September 7, 2012

Eleanor King Clark
President, Bruces Park Civic League
1364 Hanson Avenue
Norfolk, VA 23504

Dear Ms. Clark:

The Planning Department has received an application for a Change of Zoning from R-11 (Moderate Density Multiple-Family) district to Conditional C-2 (Corridor Commercial) district to allow for the operation of a retail seafood market with food to-go on property located at 1300-1304 East Princess Anne Road. This item is tentatively scheduled for the September 27, 2012 City Planning Commission public hearing.

Summary

This application is to allow Bay Seafood to operate from the existing building on the site.

If you would like additional information on the request, you may contact the applicant at (757) 639-9293 or you may telephone Matthew Simons on my staff at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

Frank M. Duke, AICP
Planning Director

cc: Onecia Howard, Neighborhood Development Specialist